

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: ALVES, Manuel

SERIAL NO.: 10/573,269

ART UNIT: 3637

FILED: August 22, 2006

EXAMINER: Purol, S. L.

TITLE: STAND FOR DISPLAYING ARTICLES, SUCH AS FLAT-PACKED ARTICLES

Amendment B: REMARKS

Upon entry of the present amendments, Claims 14-15 remain pending. Claims 1 -13 were previously canceled. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, it was indicated that Claims 14 - 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Linden patent.

It is important to note that the Linden patent (USP6823997) is a patent based upon the U.S. national stage of PCT/SE01/00152, published as US2003/0150829. The U.S. publication as US2003/0150829 was previously cited in the International Search Report of the present invention in the International PCT phase and used as prior art in the International Preliminary Examination Report of the present invention. Significantly, the amended claims submitted for the International Preliminary Examination were determined to have novelty, inventive step and industrial applicability over US2003/0150829. The backslide-preventing device distinguishes the present invention from US2003/0150829. A copy of the International Preliminary Examination Report is attached hereto.

Similarly, the Linden patent continues to fail to anticipate the present invention in its present

U.S. national stage application form. The rail 6 with rows 8 of pleats does not disclose the present invention. In the Linden patent, these rows 8 of pleats perform a double function to receive the articles and to prevent backsliding. However, Figure 6 shows a big problem with this prior art system, wherein the pleated rows separate from the backrest 7 during pulling. The strong vibrations can cause the articles to fall. Also in this manner, the backrest 7 can slightly recede under the action of the articles on the backrest. The articles also have to be inclined too much during movement.

Contrary to the Linden patent, the present invention recites a backslide-preventing device of a second set of smaller teeth. The indexed extension pieces 7 on the backrest and the complementary counterparts 10 on the rail are not disclosed by the Linden patent. The pieces 7 and counterparts 10 are separate and independent from the pleated serrated zones 9, 11 of the rail 8 and the pleated serrated zone 20 of the back rest of the present invention. This second set of toothed engagement is maintained as the article rest in the larger pleats, and this second independent system prevents backslide, instead of forcing the larger pleats with this function. The vibrations are minimized so that the articles do not fall. The present invention structurally separates the serrations on the rail and the teeth of the backslide-preventing device. Nothing in the Linden patent relates or discloses the claimed backslide-preventing device.

Independent Claim 14 has been amended to correct a typographical error.

Based upon the foregoing analysis, Applicant contends that independent Claim 14 is now in proper condition for allowance. Additionally, that claim which is dependent upon independent Claim 14 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

October 9, 2009
Date

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